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Meeting of States Parties

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Letter dated 21 April 2011 from the Chairperson of the Commission on the Limits of the Continental Shelf addressed to the President of the twenty-first Meeting of States Parties

1. In my capacity as Acting Chairperson of the Commission on the Limits of the Continental Shelf, I wish to inform you about the progress of work of the Commission since the twentieth Meeting of States Parties, in June 2010.

2. First, it is with deep sadness that I recall that Kensaku Tamaki (Japan), a member of the Commission, passed away suddenly during the plenary part of the twenty-seventh session of the Commission on 5 April 2011. Mr. Tamaki was first elected as a Member of the Commission in 2002 and was re-elected in 2007. He was a member of several subcommissions and chaired two of them: the Subcommission established to examine the submission made by Mexico in respect of the western polygon in the Gulf of Mexico, and later the Subcommission established to examine the joint submission by Mauritius and Seychelles in respect of the Mascarene Plateau region. Mr. Tamaki was also the Director of the Frontier Research Centre for Energy and Resources, Graduate School of Engineering, University of Tokyo, and a Special Assistant to the Minister for Foreign Affairs of Japan. Mr. Tamaki was a distinguished scientist in the field of marine geology and geophysics, focusing on global tectonics and the dynamics of the ocean floor and their relation to the formation of ore deposits on the sea floor. His knowledge, experience, commitment and leadership will be greatly missed by the Commission. On behalf of the Commission, I would like to renew the expression of our deepest sympathy to the family of Mr. Tamaki and the Government of Japan.

3. Returning to the work of the Commission, I wish to recall that the Commission was established to perform two specific functions, as set out in article 3 (1) of annex II to the Convention:

(a) To consider the data and other material submitted by coastal States concerning the outer limits of the continental shelf in areas where those limits extend beyond 200 nautical miles, and to make recommendations in accordance with article 76 and the Statement of Understanding adopted on 29 August 1980 by the Third United Nations Conference on the Law of the Sea;

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(b) To provide scientific and technical advice, if requested by the coastal States concerned, during the preparation of the data referred to in subparagraph (a) above.

4. Since the twentieth Meeting of States Parties, the Commission has held its twenty-sixth and twenty-seventh sessions at United Nations Headquarters. The twenty-sixth session was held from 2 August to 3 September 2010, and resumed from 22 November to 3 December 2010. The twenty-seventh session was held from 7 March to 21 April 2011. Details of the work of the Commission at its twenty-sixth, resumed twenty-sixth and twenty-seventh sessions are contained in the statements of the Chairperson on the progress of work (CLCS/68 and CLCS/70). Furthermore, the twenty-seventh session is being resumed from 6 to 17 June 2011.

Twenty-sixth session of the Commission

Consideration of submissions

5. The Subcommission established to consider the submission made by Indonesia in respect of North West of Sumatra Island completed its work and transmitted its recommendations to the Commission. Pursuant to paragraph 15 (1 bis) of annex III to the Rules of Procedure of the Commission (CLCS/40/Rev.1), the delegation of Indonesia addressed the Commission on 17 August 2010. The Commission then decided to defer the consideration of the recommendations prepared by the Subcommission to the twenty-seventh session in order to provide its members with further time to examine them.

6. The Commission and its subcommissions continued their consideration of the submission made by Japan, the joint submission made by Mauritius and Seychelles in respect of the Mascarene Plateau and the submission made by Suriname. The subcommissions also held meetings with the respective delegations.

7. The Commission heard presentations on the submissions made by Yemen, in respect of south-east of Socotra Island; by South Africa, in respect of the mainland of the territory of the Republic of South Africa; by France and South Africa jointly, in respect of the Crozet Archipelago and the Prince Edward Islands; by Palau; and by India. In each case, the Commission addressed the modalities for the consideration of those submissions and took decisions, as appropriate, that are reflected in the statement of the Chairperson (CLCS/68).

8. In view of the completion of the work by the Subcommission established for the examination of the submission made by Indonesia in respect of the area of North West of Sumatra, the Commission decided that, in order to ensure expediency and efficiency in the light of a large number of submissions, a fourth subcommission would be established as an exception to the general rule contained in rule 51, paragraph 4 bis, of the Rules of Procedure.

9. Noting that the submission made by Myanmar was at the head of the queue and recalling the decision taken with regard to the consideration of that submission (see CLCS/64, para. 40), and noting that there had been no developments to indicate that consent existed on the part of all States concerned allowing consideration of the submission, the Commission decided to further defer the establishment of a subcommission to consider the submission. It was also decided that, since the submission remained next in line for consideration as queued in the order in which it

was received, the Commission would revisit the situation at the time of establishment of its next subcommission.

10. The Commission then proceeded with establishing a subcommission to examine the next submission in the queue, namely, the submission made by France in respect of the French Antilles and the Kerguelen Islands.

11. The Commission discussed the order in which potential revised submissions would be considered and decided that should any such submission be made to the Commission in the future, it would be considered on a priority basis notwithstanding the queue. The Commission also reviewed the status of presentation of submissions to the plenary of the Commission. While recognizing that it was the prerogative of States to choose when to present their submissions to the plenary in accordance with paragraph 2 (a) of annex III to the Rules of Procedure, the Commission encouraged States that had not yet presented them to do so as early as practicable.

Other matters

12. In view of the absence of two members of the Commission owing to the lack of availability of funds from the respective nominating States, the Commission underscored the importance of the attendance of each member and recalled that, in accordance with article 2, paragraph 5, of annex II to the Convention, the State party which submitted the nomination of a member of the Commission shall defray the expenses of that member while in performance of Commission duties. The Commission further recalled that the General Assembly, in paragraph 49 of its resolution 64/71, had reiterated that provision and called upon the nominating States to do their utmost to ensure the full participation of the experts they had nominated in the work of the Commission. In that connection, the Commission emphasized that full attendance by the members was necessary to ensure that all existing subcommissions had the required quorum for their deliberations as well as the technical expertise required for the examination of submissions.

Twenty-seventh session of the Commission

Consideration of submissions

13. Following a thorough consideration of the recommendations presented by the Subcommission established to consider the submission made by Indonesia in respect of the area North West of Sumatra, the Commission adopted the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Indonesia in respect of the area North West of Sumatra on 16 June 2008" by 11 votes to two, with two abstentions.

14. The consideration of the joint submission by Mauritius and Seychelles in respect of the Mascarene Plateau and the submission by Suriname was completed by the respective subcommissions. Following the submission of the recommendations to the Commission by the subcommissions, while the Government of Suriname did not avail itself of the possibility to address the Commission pursuant to paragraph 15 (1 bis) of annex III to the Rules of Procedure of the Commission, Mauritius and Seychelles did so. On 30 March 2011, following a thorough consideration of both submissions, the Commission adopted by consensus the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the joint submission

made by Mauritius and Seychelles concerning the Mascarene Plateau region on 1 December 2008" and the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Suriname on 5 December 2008".

15. Pursuant to article 6, paragraph 3, of annex II to the Convention, the three recommendations, including the summaries thereof, were transmitted to the coastal States concerned and to the Secretary-General of the United Nations.

16. The Commission and its subcommissions continued their consideration of the submission made by Japan and of the submission made by France in respect of the areas of the French Antilles and the Kerguelen Islands. The subcommissions also held meetings with the respective delegations.

17. The Commission also heard presentations on the submissions made by Mozambique; by Maldives; and by Denmark in respect of the Faroe-Rockall Plateau Region. In each case, the Commission addressed the modalities for the consideration of the submission and took decisions, as appropriate, that are reflected in the statement of the Chairperson (CLCS/70).

18. In view of the completion of the work by the subcommissions established for the examination of the joint submission made by Mauritius and Seychelles in respect of the Mascarene Plateau, and for the submission made by Suriname, the Commission decided to establish two new subcommissions, including one established as an exception to the general rule contained in rule 51, paragraph 4 bis, of the Rules of Procedure, in order to ensure expediency and efficiency in the light of the large number of submissions.

19. Noting that the submissions made by Myanmar, Yemen, the United Kingdom of Great Britain and Northern Ireland in respect of Hatton Rockall Area and Ireland in respect of Hatton-Rockall Area were at the head of the queue, recalling its decisions with regard to those submissions,[1] and noting that there had been no developments to indicate that consent existed on the part of all States concerned allowing their consideration, the Commission decided to further defer the establishment of subcommissions for the consideration of each of those submissions. It was also decided that, since those submissions remained next in line for consideration as queued in the order in which they were received, the Commission would revisit the situation at the time of establishment of its next subcommission.

20. The Commission then proceeded with establishing subcommissions to examine the submissions next in the queue, namely, the submission by Uruguay and the submission by the Philippines in respect of the Benham Rise region. Those subcommissions then commenced their consideration of the submissions.

21. Finally, the Commission took note of the submission by Bangladesh, transmitted through the Secretary-General to the Commission on 25 February 2011.

[1] See, respectively, CLCS/64, para. 40 and CLCS/68, para. 51; CLCS/68, para. 19; and CLCS/64, paras. 46 and 52.

Workload of the Commission

22. The Commission considered the issue of its workload, discussing, in particular, the modalities of its reply to a letter from the Coordinator of the Informal Working Group, Eden Charles. In that letter Mr. Charles sought the views of the Commission on a number of possible measures to address the workload of the Commission, including working at United Nations Headquarters on a full-time basis or working for six months per year organized in the manner in which the Commission would be most effective in its view, as well as its views on the impact of measures listed in paragraphs 1 (a) to (f) of the decision contained in document SPLOS/216. The letter also conveyed an invitation to the Commission to meet with the Informal Working Group. The Commission recalled that it had already had the opportunity to convey its views on several of the measures identified in the letter, including through the letters of the Chairperson to the President of the Meeting of States Parties[2] and presentations made to the Meeting of States Parties since 2005 and the Informal Working Group since 2010,[3] as well as through the statements of the Chairperson on the progress in the work of the Commission.[4] The internal working group appointed by the Commission to address issues relating to its workload, chaired by Galo Carrera, was instructed to prepare a draft presentation for the meeting with the Informal Working Group.

23. The meeting between the Commission and the Informal Working Group took place on 5 April 2011. On behalf of the Commission, Mr. Carrera delivered a presentation that highlighted past communications from the Commission addressed to the Meeting of States Parties and the Informal Working Group, including presentations on the workload of the Commission made since 2005. The presentation elaborated on the number of submissions received and the status of their consideration as well as on expected future submissions. It outlined issues that impacted the workload of the Commission besides the large number of submissions, including the large size and high scientific and technical complexity of the submissions, the increasing submission of additional material by submitting States and the bilateral schedule for work between the Commission and each submitting State. The presentation drew the attention of the Informal Working Group to the fact that the average number of weeks spent in New York by each member of the Commission had sharply increased since 2005.

24. In response to the request contained in the letter from the Coordinator of the Informal Working Group, the presentation outlined scenarios for full-time work at the United Nations and for six months of work per year. Regarding full-time work, the presentation emphasized that that was the option preferred by the Commission as the most efficient and effective way to address its growing workload, while at the same time highlighting a number of challenges related to financing of members and strengthening of the capacity of the Division for Ocean Affairs and the Law of the Sea. Regarding six months of work per year, the presentation stated that while that option would constitute an improvement over the current unsatisfactory situation, it did not seem to address the need to consider submissions during intersessional

[2] See SPLOS/129, SPLOS/140, SPLOS/156, SPLOS/177, SPLOS/195 and SPLOS/209.

[3] The presentations are available on the website of the Commission at www.un.org/Depts/los/clcs_new/clcs_home.htm.

[4] See CLCS/56, paras. 51-53; CLCS/64, paras. 120-125; CLCS/66, paras. 87-91; and CLCS/68, paras. 37-43.

periods and did not precisely define the work conditions of Commission members. The presentation then outlined the impact of short-, medium- and long-term measures implemented by the Commission in accordance with document SPLOS/216, and stressed the need and importance of the Meeting of States Parties acting urgently, including with a view to ensuring that the commitment of potential candidates for nomination in 2012 would match the workload of the Commission and its working conditions.

25. In concluding, the presentation emphasized that the Commission had taken every action possible within its current capacity to extend the number of subcommissions and the number of weeks worked in New York and in the home countries of its members, and that without financial support the most important suggestions made by the Informal Working Group could not possibly be implemented.[5]

26. The presentation was followed by a discussion between the Commission and the Informal Working Group.

Other matters

27. Under other matters, the Commission addressed issues raised in a note verbale from the Government of the United Kingdom of Great Britain and Northern Ireland addressed to the Secretary-General of the United Nations, dated 11 January 2011, as well as in a letter from Barbados dated 14 February 2011 (for details, see CLCS/70).

28. The Commission took note of a letter from the Director of the Division which drew the attention of the Commission to certain potential difficulties in relation to geographic information system components of submissions (see CLCS/70).

29. The Commission reiterated that full attendance by the members was necessary to ensure that all existing subcommissions had the required quorum for their deliberations as well as the technical expertise required for the examination of submissions. The Commission noted that some members from one region had again been unable to attend the session owing to the lack of financial support from the nominating States.

Future work of the Commission

30. The Commission decided to resume its twenty-seventh session to allow the Subcommission established to examine the submission made by Japan to meet from 6 to 17 June 2011.

31. Recalling that with extended subcommission meetings the plenary part of the twenty-eighth session would be held from 1 August to 9 September 2011, the Commission decided that the Subcommission established to examine the submission made by France in respect of the French Antilles and the Kerguelen Islands would meet from 29 August to 2 September 2011; the Subcommission established to examine the submission of Japan would meet from 1 to 12 August; the Subcommission established to examine the submission made by Uruguay would meet from 8 to 12 August and from 6 to 9 September 2011; and the Subcommission

[5] The presentation is available on the website of the Division for Ocean Affairs and the Law of the Sea at www.un.org/Depts/los/clcs_new/clcs_workload.htm.

established to examine the submission made by the Philippines in respect of the Benham Rise region would meet from 29 August to 9 September 2011.

32. The Commission also decided that it would resume its twenty-eighth session to allow the Subcommission established to examine the submissions of France in respect of the French Antilles and the Kerguelen Islands to meet from 28 November to 2 December; and the Subcommission established to examine the submission made by Uruguay and the Subcommission established to examine the submission made by the Philippines in respect of the Benham Rise region to meet from 5 to 9 December.

33. The Secretariat informed the Commission about the tentative dates for the plenary parts of the sessions to be held in 2012, on the understanding that those dates and the provision of conference services were subject to approval by the General Assembly. The tentative dates are as follows: plenary part of the twenty-ninth session, 2 to 12 April 2012; plenary part of the thirtieth session, 21 to 31 August 2012.

34. The workload of the Commission continues to increase. However, the Commission wishes to assure the Meeting of States Parties that it is doing its utmost, under its existing conditions of service, to address this workload and to examine submissions efficiently and in a speedy manner. In this regard, I would like to reiterate our gratitude to the Meeting of States Parties for its continued support for the work of the Commission.

35. On behalf of the Commission, I would also like to express gratitude to the Division for Ocean Affairs and the Law of the Sea for the high standard of secretariat services it renders to the Commission.

36. I would like to request that the present letter be circulated as a document of the twenty-first Meeting of States Parties.

(*Signed*) Harald Brekke
Acting Chairperson of the Commission
on the Limits of the Continental Shelf